IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 2800 of 2007.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Register's orders.	Court's or Judge's Orders

Shri N. R. Saboo, Advocate for the petitioner.

CORAM : A. H. JOSHI &
R. C. CHAVAN, JJ.
DATED : 05/07/2007.

1. This petition is based on the contentions which are as follows:

[a] Petitioner has submitted a request for transfer on account of sickness of his mother.

[b] His request was considered by the higher authorities and the Government permitted/directed that transfer may be made as requested.

[c] Permission from Government was necessary since the request was for transfer in the mid term, which was thus allowed.

[d] In spite of the directions of the higher

authority, the petitioner's transfer is not effected.

[e] The respondent no.5 has been favoured, and transferred on his request while petitioner's claim has been disregarded.

[f] That the Maharashtra Administrative Tribunal only recorded the submission, and failed to record the reasons for conclusion reached in para no.4 of the Judgment.

2. Upon hearing learned Advocate Mr. N. R. Saboo, we find that Annexure-D indicates that the petitioner had tried to get the cause of his transfer espouse through one Shri L. B. Taide former Member Parliament and former General Secretary of Maharashtra State Congress Committee, and the favourable endorsement was made on the request as espoused by the Hon'ble Minister of State concerned, to the effect that an action be taken as proposed.

3. Learned Advocate Mr. N. R. Saboo has placed reliance on Annexure-F letter dated 20-9-2007, and dated 17-10-2007 written by the Additional Chief Conservator

of Forest (Personal Management and Administration) to show that there are orders of superiors granting direction or permission for transfer of petitioner in mids of term.

4. We find that the petitioner's entire claim is based on infirmed grounds, and petitioner cannot claim that he should be transferred as claimed by him. The grounds put forth by the petitioner do not inspire confidence. In ordinary course, this Court would have shown indulgence in view that the order of Maharashtra Administrative Tribunal does not show the reasons. However, since the petitioner has otherwise failed to demonstrate as to how he was entitled to enforce his desire for transfer as a right. We find that the order of the Maharashtra Administrative Tribunal is legal and proper. Therefore, no interference is called for. Petition is dismissed.

JUDGE JUDGE

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